

FILED
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U.S. DISTRICT COURT E.D.N.Y.
★ JUL 06 2023 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
) Criminal Docket No.
 v.) CR-19-0286 (AMD)
)
ROBERT SYLVESTER KELLY,)
)
 Defendant,)
)
 and)
SONY MUSIC ENTERTAINMENT,)
)
 Garnishee.)

ANSWER OF THE GARNISHEE

Wade Leak, BEING DULY SWORN DEPOSES AND SAYS:
(Affiant)

(Complete as Applicable)

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the name of (Insert Full Name and Address
of Business) Sony Music Entertainment, a Delaware General Partnership

25 Madison Avenue, New York, NY 10010

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member of (Insert Name and Address of Partnership) Sony Music Entertainment, 25 Madison Avenue, New York, NY 10010

composed of

(Insert Names of Partners) Sony Corporation of America and Sony Music Holdings, Inc.

of which Garnishee is a partner.

IF GARNISHEE IS A CORPORATION:

That he/she is the (Insert Official Title) _____ of the Garnishee,
(Insert Name and Address of Corporation) _____

(State Name and Address of Corporation), a corporation organized under the laws of the
State of _____.

**IF GARNISHEE IS AN AGENCY OF A LOCAL, STATE OR FEDERAL
GOVERNMENT:**

That he/she is the (Insert Official Title) _____ of Garnishee, (Insert
Name of Agency) _____

an agency, of (Insert Name of Government) _____

_____.

FOR ALL GARNISHEES:

On June 14, 2023 Garnishee was served with the Writ of Continuing
Garnishment. **For the pay period in effect on the date of service of the Writ of
Continuing Garnishment, as indicated above:**

1. Was Defendant-Judgment Debtor ("Debtors") in your employ?

 Yes X No

2. Defendant is paid, as follows:

weekly; bi-weekly; semi-monthly;
 monthly; or other: Semi-annual artist royalty payments (please
describe).

3. The pay period in effect on the date of service of the Writ of Continuing Garnishment
began on N/A (Enter date). The pay period ends on .

4. Calculate amount of Debtor's net wages:

(a) Gross pay	\$ <u>N/A</u>
(b) Federal income tax deduction	\$ <u>N/A</u>
(c) F.I.C.A. deduction	\$ <u>N/A</u>
(d) State income tax deduction	\$ <u>N/A</u>
(e) Total of tax withholdings	\$ <u>N/A</u>
(f) Net wages (Subtract (a) from (e))	\$ <u>N/A</u>

5. Have previous garnishments been issued with respect to the above-referenced Debtor?

Yes No

If the answer is yes, set forth, e.g., dates of garnishment, for whose benefit, court of
issue, amount of garnishment.

August 19, 2020 - Midwest Commercial Funding, LLC v Robert Sylvester Kelly, Case No. 2020 L 2158 - Circuit Court of Cook County - \$3,484,420.70

August 24, 2020 - Heather Williams v Robert Sylvester Kelly, Case No 19 L 1957 - Circuit Court of Cook County - \$4,000,000

June 29, 2022 - Robert Kelly v Andrea Kelly, Case No. 06 D1268 - Circuit Court of Cook County - Two judgments in the same matter totaling \$178,213

Please note that these are not garnishments, but rather judgements against Mr. Kelly's royalty earnings accrued by Sony Music Entertainment on a

semi-annual basis. All amounts are currently on legal hold.

6. Describe below the non-earnings property which the Garnishee has in its custody, control or possession and in which the Debtor maintains an interest:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
a. _____	\$ _____	_____
b. _____	\$ _____	_____
c. _____	\$ _____	_____
d. _____	\$ _____	_____

7. Describe below any other property which the Garnishee has in its custody, control or possession and in which the Debtor maintains an interest:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Debtor's Interest in Property</u>
a. _____	\$ _____	_____
b. _____	\$ _____	_____
c. _____	\$ _____	_____
d. _____	\$ _____	_____

8. Garnishee anticipates owing to the Debtor in the future, the following amounts:

<u>Amount</u>	<u>Estimate Date or Period Due</u>
a. \$ _____	_____
b. \$ _____	_____
c. \$ _____	_____
d. \$ _____	_____

9. (If applicable, check the appropriate items and explain accordingly in the space provided. Include attachments, if necessary.)
- The Garnishee makes the following claim(s) of exemption on the part of Debtor:
 - The Garnishee has the following objections, defenses, or set-offs to the United States's right to apply Garnishee's indebtedness to Debtor upon Plaintiff's claim:
 - The Garnishee is in no manner and upon no account indebted or under liability to the Debtor, ROBERT SYLVESTER KELLY, or the Garnishee does not have in his/her possession or control any property belonging to the Debtor or is in no manner liable as Garnishee in this action.

10. The Garnishee has:

- a. Filed the original answer via PACER by mailing or delivering the answer to:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York

- b. Mailed copies of this answer on by first class mail to:

Jennifer Ann Bonjean, Esq, Bonjean Law Group, PLLC, 750 Lexington Avenue - 9th Floor New York, NY 10022

and

Daniel G. Saavedra, Assistant U.S. Attorney, United States Attorney's Office, 271 Cadman Plaza East, Brooklyn, New York 11201

Wode Zeak
Garnishee

Subscribed and sworn to before me this
26 day of June, 2023

Anne Marie Mosera
Notary Public

My Commission expires: 12/27/25

ANNE MARIE MOSERA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MO6139058
Qualified in New York County
My Commission Expires 12-27-2025

ATTACHMENT TO ANSWER OF GARNISHEE

The Original Answer must be filed by PACER or mailed or delivered to:

Clerk of the Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East, Rm. 130
Brooklyn, New York 11201

A Copy of this Answer must be mailed to:

Daniel G. Saavedra
Assistant U.S. Attorney
United States Attorney's Office
271 Cadman Plaza East
Brooklyn, New York 11201

and

Jennifer Ann Bonjean, Esq.
Bonjean Law Group, PLLC
750 Lexington Avenue - 9th Floor
New York, NY 10022

and

Jamie L. Burns, Esq.
Attorney for Interested Party
Midwest Commercial Funding LLC
Levenfeld Pearlstein, LLC
120 S. Riverside Plaza, Suite 1800
Chicago, IL 60606

and

Jeff Deutschman, Esq.,
Attorney for Interested Party
Heather Williams
Deutschman & Skafish, P.C.
77 W. Washington Street, Suite 1525
Chicago, IL 60602